UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,302	10/29/2001	Eric J. Howell	2185.001US1	7388

21186 7590 02/14/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
1600 TCF TOWER
121 SOUTH EIGHT STREET
MINNEAPOLIS, MN 55402

EXAMINER	
RINES, ROBERT D	

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/016,302	HOWELL ET AL.	
	Examiner	Art Unit	
	Robert D. Rines	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

[1] This communication is in response to the patent application filed 29 October 2001. Claims 1-48 are pending.

Claim Objections

[2] Claims 22 and 25 are objected to because a claim, which depends from a dependent claim, should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. Appropriate correction is required. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

[3] Claims 1-3, 7, 9-17, 19-29, 32, 34-41, 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lencki et al. (United States Patent Application Publication #2002/0049617) in view of Wolff et al. (United States Patent Application Publication #2002/0029158).

[A] As per claim 1, Lencki et al., teaches a method for processing health insurance applications over a network, the method comprising: presenting a user interface to an applicant over the network (Lencki et al.; Abstract and paragraphs [0010] [0219]), the user interface including information pertaining to a medical plan selected by the applicant and facilitating input of application data by the applicant (Lencki et al.; paragraphs [0010] [0084] [0085] [0114]); receiving the application data from the applicant via the network (Lencki et al.; paragraphs [0136] [0164]).

[i] Although Lencki et al. teaches the use of security measures including firewalls, SSL, and password authentication for users visiting the sites (Lencki et al.; paragraph [0097]), Lencki et al., fails to specifically teach assembly of user information into a single secure document for transmission to insurance carriers.

[ii] However, Wolff et al., teaches transforming the application data into a secure digital file (Wolff et al.; paragraphs [0015] [0017] [0018]); and transmitting the secure digital file (Wolff et al.; paragraphs [0015] [0017] [0018]) to the health insurance carrier.

[iii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Lencki et al. with those of Wolff et al. Such combination would have resulted in a computer-based system and method which provides for user access to the system via a user-interface (Lencki et al.; Abstract and paragraph [0010]),

provides for user entry of enrollment information into the system (Lencki et al.; paragraph [0084]), enables the user to select and purchase benefits from various insurance offered health insurance products (Lencki et al.; paragraphs [0114]), requires that the user confirms choices (Lencki et al.; paragraph [0165]), requires the user to commit to completing the transaction by committing to a dollar amount for each benefit and providing payroll information (Lencki et al.; paragraphs [0179] [0180] [0184]). Additionally, such a system and method would provide for the sending of required disclaimer language to the user in response to selection/choices (Lencki et al.; paragraph [0180]). Further, such a system and method would provide for the creation of a single Insurability Documentation File from entered and collected user data (Wolff et al.; Abstract and paragraph [0014]) and further provide for secure assembly of the document and secure transmission of the document over an encrypted or otherwise secure network to participating insurance companies (Wolff et al.; paragraphs [0015] [0018]). The motivation to combine the teachings would have been to create and Insurability Documentation File that contains information needed by insurers to evaluate a prospective insured party. Further motivation would have been to enable bidding by different insurers to increase the likelihood of the prospective insured finding an insurance policy that fits his or her needs (Wolff et al.; Abstract).

[B] As per claim 2, Lencki et al. teaches a method further comprising providing the applicant a form of electronic payment (Lencki et al.; paragraphs [0104] [0179] [0180]).

[C] As per claim 3, Wolff et al. teaches a method further comprising assembling the form of

electronic payment into the secure digital file (Wolff et al.; paragraphs [0015] [0017] [0018]).

[D] As per claim 7, Lencki et al. teaches a method wherein the electronic health insurance application is in the form of any one of an hypertext markup language (HTML) page, an extensible markup language (XML) page, a dynamic HTML page, and a JavaScript (Lencki et al.; paragraphs [0276] [0277]).

[E] As per claim 9, Lencki et al. teaches a method wherein presenting a user interface to an applicant over the network further comprises: providing a user interface to enable the applicant to enter data required in an application (Lencki et al.; paragraphs [0010] [0084] [0085] [0114]); verifying that the data entered by the applicant is appropriate for the application (Lencki et al.; paragraphs [0108] [0166] [0223]); populating an electronic application with the application data provided by the applicant (Lencki et al.; paragraphs [0084] [0085]); permitting the applicant to view the populated application (Lencki et al.; Abstract and paragraph [0010]); and permitting the applicant to correct, reject, or approve the populated application (Lencki et al.; paragraphs [0166] [0223]).

[F] As per claim 10, Lencki et al. teaches a method further comprising allowing the applicant to create a customer account wherein the applicant can save application data (Lencki et al.; paragraphs [0010] [0081] [0082] [0171]).

[G] As per claim 11, Lencki et al. teaches a method wherein verifying that the data entered by the applicant is appropriate for the application further comprises analyzing the application data received from the applicant to determine (Lencki et al.; paragraphs [0108] [0166] [0223]), according to predetermined business rules (Lencki et al.; paragraph [0299]), whether the applicant has provided appropriate information (Lencki et al.; paragraphs [0108] [0166] [0223] [0299]).

[H] As per claim 12, Lencki et al. teaches a method wherein providing a user interface to enable the applicant to enter data required in an application further comprises assisting the applicant to choose a health plan based on a plurality of factors pertaining to personal data of the applicant (Lencki et al.; paragraphs [0202] [0203]).

[I] As per claim 13, Lencki et al. teaches a method wherein the personal data comprises any one of the number of persons covered under the health plan (Lencki et al.; paragraphs [0083] [0084] [0086]), relation between the persons and the applicant (Lencki et al.; paragraphs [0083] [0084] [0086]), the age of the applicant (Lencki et al.; paragraphs [0138] [0140]), prior health history of the applicant (Lencki et al.; paragraph [0137]), a desired price of the plan, a preference of the applicant regarding a health insurance carrier providing the plan, and a preference of the applicant regarding the type of benefits associated with each plan (Lencki et al.; Abstract paragraphs [0116] [0117] [0118]).

NOTE: The primary function and features of Lencki et al. provide or user choice/selection of health plan and carrier choice, price of the plan, and type of benefits associated with each plan (Lencki et al.; Abstract paragraphs [0116] [0117] [0118]).

[J] As per claim 14, Wolff et al. teaches a method wherein transforming the application data into a secure digital file comprises assembling and encrypting the application data into a preformatted electronic document (Wolff et al.; paragraphs [0015] [0016] [0017] [0018]).

[K] As per claim 15, Wolff et al. teaches a method wherein the preformatted electronic document comprises unalterable content (Wolff et al.; paragraphs [0015] [0016]).

[L] As per claim 16, Wolff et al. teaches a method wherein the unalterable content is characterized by a fixed language, fixed font formats, and fixed style elements (Wolff et al.; paragraph [0016]).

NOTE: Regarging claims 15 and 16, Wolff et al. teaches that the Insurability Document File is organized into "standard sections" indicating to the examiner that certain components of the document a standardized and unalterable (Wolff et al.; paragraph [0016]). The examiner is interpreting the standardization features of Wolff et al. to be encompassing of the applicant's unalterable content, fixed language, fixed format, and fixed style elements.

[M] As per claim 17, Wolff et al. teaches a method wherein the preformatted digital document is an Adobe.TM. portable document format (PDF) file (Wolff et al.; paragraphs [0015] [0016]).

[N] As per claim 19, Lencki et al. teaches a method further comprising: allowing the applicant to view the secure digital file; and allowing the applicant to reject, or approve the secure digital file (Lencki et al.; paragraphs [0166] [0223]).

[O] As per claim 20, Wolff et al. teaches a method further comprising: presenting a user interface to the health insurance carrier for processing electronic application data (Wolff et al.; paragraphs [0014] [0015] [0018]); and receiving processing updates from the health insurance carrier (Wolff et al.; paragraph [0019]).

[P] As per claim 21, Wolff et al. teaches a method further comprising electronically communicating to the applicant processing updates made by the health insurance carrier (Wolff et al.; paragraphs [0018] [0019]).

[Q] As per claim 22, Wolff et al. teaches a method wherein presenting a user interface to the health insurance carrier for processing electronic application data comprises allowing the health insurance carrier to view and print the secure digital file (Wolff et al.; paragraph [0018]).

[R] As per claim 23, Wolff et al. teaches a method wherein presenting a user interface to the health insurance carrier for processing electronic application data comprises: allowing the health

insurance carrier to attach notes to the electronic application (Wolff et al.; paragraph [0019]); allowing the health insurance carrier to update the status of the application (Wolff et al.; paragraph [0019] [0034]); allowing the health insurance carrier to download attached data files associated with the health insurance application (Wolff et al.; paragraph [0034]); and allowing the health insurance carrier to upload a data file including processing updates (Wolff et al.; paragraph [0034]).

[S] As per claim 24, Wolff et al. teaches a method wherein presenting a user interface to the health insurance carrier for processing electronic application data comprises allowing the health insurance carrier to search the prior history of the applicant (Wolff et al.; paragraphs [0014] [0034] [0035]).

[T] As per claim 25, Wolff et al. teaches a method wherein electronically communicating to the applicant the processing updates made by the carrier comprises creating an electronic message indicating the processing updates (Wolff et al.; paragraph [0034]).

[U] As per claim 26, Wolff et al. teaches a method further comprising sending the electronic message to the applicant (Wolff et al.; paragraph [0034]).

[V] As per claim 27, Lencki et al. teaches system comprising: a plurality of client devices; a transaction facility coupled to plurality of client devices to receive client data from the client devices (Lencki et al.; Abstract and paragraphs [0010] [0084]).

[i] Although Lencki et al. teaches the use of security measures including firewalls, SSL, and password authentication for users visiting the sites (Lencki et al.; paragraph [0097]), Lencki et al., fails to specifically teach assembly of user information into a single secure document for transmission to insurance carriers.

[ii] However, Wolff et al. teaches transforming the client data into a secure digital file (Wolff et al.; paragraphs [0015] [0017] [0018]); and a plurality of health insurance carrier devices coupled to the transaction facility to receive the secure digital file and other client data (Wolff et al.; Abstract paragraphs [0010] [0034]).

[iii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Lencki et al. with those of Wolff et al. Such combination would have resulted in a computer-based system and method which provides for user access to the system via a user-interface (Lencki et al.; Abstract and paragraph [0010]), provides for user entry of enrollment information into the system (Lencki et al.; paragraph [0084]), enables the user to select and purchase benefits from various insurance offered health insurance products (Lencki et al.; paragraphs [0114]), requires that the user confirms choices (Lencki et al.; paragraph [0165]), requires the user to commit to completing the transaction by committing to a dollar amount for each benefit and providing payroll information (Lencki et al.; paragraphs [0179] [0180] [0184]). Additionally, such a system and method would provide for the sending of required disclaimer language to the user in response to selection/choices (Lencki et

al.; paragraph [0180]). Further, such a system and method would provide for the creation of a single Insurability Documentation File from entered and collected user data (Wolff et al.; Abstract and paragraph [0014]) and further provide for secure assembly of the document and secure transmission of the document over an encrypted or otherwise secure network to participating insurance companies (Wolff et al.; paragraphs [0015] [0018]). The motivation to combine the teachings would have been to create and Insurability Documentation File that contains information needed by insurers to evaluate a prospective insured party. Further motivation would have been to enable bidding by different insurers to increase the likelihood of the prospective insured finding an insurance policy that fits his or her needs (Wolff et al.; Abstract).

[W] As per claim 28, Lencki et al. teaches an apparatus comprising: an electronic presenter to present a user interface to an applicant over the network (Lencki et al.; Abstract and paragraphs [0010] [0219]), the user interface including information pertaining to a medical plan selected by the applicant and facilitating input of application data by the applicant (Lencki et al.; paragraphs [0010] [0084] [0085] [0114]).

[i] Although Lencki et al. teaches the use of security measures including firewalls, SSL, and password authentication for users visiting the sites (Lencki et al.; paragraph [0097]), Lencki et al., fails to specifically teach assembly of user information into a single secure document for transmission to insurance carriers.

[ii] However, Wolff et al. teaches an application data processor to transform the application data into a secure digital file (Wolff et al.; paragraphs [0015] [0017] [0018]); and an electronic transmitter to transfer the secure digital file to the health insurance carrier over said network (Wolff et al.; paragraphs [0015] [0017] [0018]).

[iii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Lencki et al. with those of Wolff et al. Such combination would have resulted in a computer-based system and method which provides for user access to the system via a user-interface (Lencki et al.; Abstract and paragraph [0010]), provides for user entry of enrollment information into the system (Lencki et al.; paragraph [0084]), enables the user to select and purchase benefits from various insurance offered health insurance products (Lencki et al.; paragraphs [0114]), requires that the user confirms choices (Lencki et al.; paragraph [0165]), requires the user to commit to completing the transaction by committing to a dollar amount for each benefit and providing payroll information (Lencki et al.; paragraphs [0179] [0180] [0184]). Additionally, such a system and method would provide for the sending of required disclaimer language to the user in response to selection/choices (Lencki et al.; paragraph [0180]). Further, such a system and method would provide for the creation of a single Insurability Documentation File from entered and collected user data (Wolff et al.; Abstract and paragraph [0014]) and further provide for secure assembly of the document and secure transmission of the document over an encrypted or otherwise secure network to participating insurance companies (Wolff et al.; paragraphs [0015] [0018]). The motivation to combine the teachings would have been to create and Insurability Documentation File that

contains information needed by insurers to evaluate a prospective insured party. Further motivation would have been to enable bidding by different insurers to increase the likelihood of the prospective insured finding an insurance policy that fits his or her needs (Wolff et al.; Abstract).

[X] As per claim 29, Lencki et al. teaches an apparatus further comprising an electronic payment module to provide the applicant a form of electronic payment (Lencki et al.; paragraphs [0104] [0179] [0180]).

[Y] As per claim 32, Lencki et al. teaches an apparatus wherein the electronic health insurance application is in the form of any one of a hypertext markup language (HTML) page, an extensible markup language (XML) page, a dynamic HTML page, and a JavaScript (Lencki et al.; paragraphs [0276] [0277]).

[Z] As per claim 34, Lencki et al. teaches an apparatus wherein the electronic presenter provides a user interface to enable the applicant to enter data required in an application that corresponds to a chosen health plan (Lencki et al.; paragraphs [0010] [0084] [0085] [0114]).

[AA] As per claim 35, Lencki et al. teaches an apparatus wherein the electronic presenter is further to assist the applicant to choose the medical plan based on a plurality of factors pertaining to personal data of the applicant (Lencki et al.; paragraphs [0202] [0203]).

[BB] As per claim 36, Lencki et al. teaches an apparatus wherein the personal data includes the number of persons covered under the health plan (Lencki et al.; paragraphs [0083] [0084] [0086]), relation between the persons and the applicant (Lencki et al.; paragraphs [0083] [0084] [0086]), the age of the applicant (Lencki et al.; paragraphs [0138] [0140]), prior health history of the applicant (Lencki et al.; paragraph [0137]), a desired price of the plan, and a preference of the applicant regarding a health insurance carrier providing the plan (Lencki et al.; Abstract paragraphs [0116] [0117] [0118]).

NOTE: The primary function and features of Lencki et al. provide or user choice/selection of health plan and carrier choice, price of the plan, and type of benefits associated with each plan (Lencki et al.; Abstract paragraphs [0116] [0117] [0118]).

[CC] As per claim 37, Lencki et al. teaches an apparatus of claim 28 further comprising a business rule module to analyze the application data received from the applicant to determine (Lencki et al.; paragraph [0299]), according to predetermined business rules, whether the applicant has properly filled out the electronic health insurance application (Lencki et al.; paragraphs [0108] [0166] [0223] [0299]).

[DD] As per claim 38, Wolff et al. teaches an apparatus wherein the application data processor is to transform the application data into a secure digital file by assembling and encrypting the application data into a preformatted electronic document (Wolff et al.; paragraph [0018]).

[EE] As per claim 39, Wolff et al. teaches an apparatus wherein the preformatted electronic document comprises unalterable content (Wolff et al.; paragraph [0016]).

[FF] As per claim 40, Wolff et al. teaches an apparatus wherein the unalterable content is characterized by a fixed language, fixed font formats, and fixed style elements (Wolff et al.; paragraphs [0015] [0016]).

NOTE: Regarging claims 39 and 40, Wolff et al. teaches that the Insurability Document File is organized into "standard sections" indicating to the examiner that certain components of the document a standardized and unalterable (Wolff et al.; paragraph [0016]). The examiner is interpreting the standardization features of Wolff et al. to be encompassing of the applicant's unalterable content, fixed language, fixed format, and fixed style elements.

[GG] As per claim 41, Wolff et al. teaches an apparatus wherein the preformatted digital document is an Adobe.TM. portable document format (PDF) file (Wolff et al.; paragraphs [0015] [0016]).

[HH] As per claim 43, Lencki et al. teaches an apparatus further comprising an applicant user interface to allow the applicant to view the file and to allow the applicant to approve or reject the application (Lencki et al.; paragraphs [0108] [0166] [0223]).

[i] Wolff et al. teaches transmission of the application to the carrier (Wolff et al.; Abstract paragraphs [0015] [0017] [0018]).

[II] As per claim 44, Wolff et al. teaches an apparatus further comprising a carrier user interface to allow the health insurance carrier to view and print the secure digital file (Wolff et al.; paragraphs [0014] [0015] [0018] [0034]).

[JJ] As per claim 45, Wolff et al. teaches an apparatus further comprising a carrier user interface to allow the health insurance carrier to attach notes to the electronic application (Wolff et al.; paragraph [0019]), to allow the health insurance carrier to update the status of the application (Wolff et al.; paragraph [0019] [0034]), to allow the health insurance carrier to download attached data files associated with the health insurance application (Wolff et al.; paragraph [0034]), and to allow the health insurance carrier to upload a data file including processing updates (Wolff et al.; paragraph [0034]).

[KK] As per claim 46, Wolff et al. teaches an apparatus further comprising a carrier user interface to allow the health insurance carrier to search the prior history of the applicant (Wolff et al.; paragraphs [0014] [0034] [0035]).

[LL] As per claim 47, Wolff et al. teaches an apparatus further comprising a status notifier to notify the applicant of the status of the application (Wolff et al.; paragraph [0034]).

[MM] As per claim 48, Lencki et al. teaches a computer readable medium that provides instructions, which when executed on a processor, cause said processor to perform operations comprising: presenting a user interface to an applicant over the network (Lencki et al.; Abstract and paragraphs [0010] [0219]), the user interface including information pertaining to a medical plan selected by the applicant and facilitating input of application data by the applicant (Lencki et al.; paragraphs [0010] [0084] [0085] [0114]); receiving the application data from the applicant via the network (Lencki et al.; paragraphs [0136] [0164]).

[i] Although Lencki et al. teaches the use of security measures including firewalls, SSL, and password authentication for users visiting the sites (Lencki et al.; paragraph [0097]), Lencki et al., fails to specifically teach assembly of user information into a single secure document for transmission to insurance carriers.

[ii] However, Wolff et al., teaches transforming the application data into a secure digital file (Wolff et al.; paragraphs [0015] [0017] [0018]); and transmitting the secure digital file and other application data to the health insurance carrier (Wolff et al.; paragraphs [0015] [0017] [0018]).

[iii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Lencki et al. with those of Wolff et al. Such combination would have resulted in a computer-based system and method which provides for user access to the system via a user-interface (Lencki et al.; Abstract and paragraph [0010]), provides for user entry of enrollment information into the system (Lencki et al.; paragraph

[0084]), enables the user to select and purchase benefits from various insurance offered health insurance products (Lencki et al.; paragraphs [0114]), requires that the user confirms choices (Lencki et al.; paragraph [0165]), requires the user to commit to completing the transaction by committing to a dollar amount for each benefit and providing payroll information (Lencki et al.; paragraphs [0179] [0180] [0184]). Additionally, such a system and method would provide for the sending of required disclaimer language to the user in response to selection/choices (Lencki et al.; paragraph [0180]). Further, such a system and method would provide for the creation of a single Insurability Documentation File from entered and collected user data (Wolff et al.; Abstract and paragraph [0014]) and further provide for secure assembly of the document and secure transmission of the document over an encrypted or otherwise secure network to participating insurance companies (Wolff et al.; paragraphs [0015] [0018]). The motivation to combine the teachings would have been to create and Insurability Documentation File that contains information needed by insurers to evaluate a prospective insured party. Further motivation would have been to enable bidding by different insurers to increase the likelihood of the prospective insured finding an insurance policy that fits his or her needs (Wolff et al.; Abstract).

[4] Claims 4-6, 18, 30, 31, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lencki et al. and Wolff et al. as applied to claims 1 and 28 above, and further in view of Marchosky (United States Patent Application Publication #2002/0029157).

[A] As per claim 4, although Lencki et al. teaches that a user can change signature options

associated with the users information or interface (Lencki et al.; paragraph [0219]), thereby indicating that signatures are used for identification and information release in the Lencki et al., invention, Lencki et al. fails to specifically teach that an electronic signature is used to authenticate the applicant's entering a legal agreement or agreeing to a policy.

[i] However, Marchosky teaches a method further comprising providing the applicant a form of electronic signature to authenticate the applicant's intention to enter into a health insurance contract (Marchosky; paragraph [0053]).

[ii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Lencki et al. and Wolff et al., as applied to claim 1 above, with those of Marchosky. Such combination would have resulted in a system and method that requires applicants to confirm enrollment information (Lencki et al.; paragraph [0168]) acknowledge legal waivers of specific coverage (Lencki et al.; paragraph [0180]) confirm choices in benefit coverage (Lencki et al.; paragraphs [0108] [0165]) and delivers full legal and regulatory documentation to the user (Lencki et al.; paragraph [0206]). Further, such a system and method would have provided for the use of electronic signatures to enhance security used in the identification sequence or legal validation of text, or for legal purposes in general (Marchosky; paragraph [0053]) The motivation to combine the teachings would have been to would have been to create medical records database, stored on a central computer such the records could be shared with insurance providers and other entities for the purpose of healthcare financing and insurance (Marchosky; Abstract).

[B] As per claim 5, Marchosky teaches a method of further comprising assembling the form of electronic signature into the secure digital file (Marchosky; paragraph [0053]).

[C] As per claim 6, Marchosky teaches providing the applicant a form of electronic signature (Marchosky; paragraph [0053]) further comprises: requesting the applicant to type the applicant's name twice (Marchosky; paragraphs [0052] [0054]); requesting the applicant to type the date (Marchosky; paragraphs [0052] [0054]); providing the applicant with hyperlinks to portions of the application that have legally binding language (Marchosky; paragraph [0053]).

[i] While Marchosky teaches the use of an electronic signature for the purpose of a "legal validation of the preceding text" (Marchosky; paragraph [0053]) and Marchosky further stipulates that the electronic signature capability is employed to improve data security and for legal purposes (Marchosky; paragraph [0053]), Marchosky fails to teach the applicant checking a box or entering into a legally binding agreement.

[ii] However, Lencki et al. requires applicants to confirm enrollment information (Lencki et al.; paragraph [0168]) acknowledge legal waivers of specific coverage (Lencki et al.; paragraph [0180]) confirm choices in benefit coverage (Lencki et al.; paragraphs [0108] [0165]) and delivers full legal and regulatory documentation to the user (Lencki et al.; paragraph [0206]). The examiner views the above noted features/requirements of Lencki et al. to be encompassing of the applicant's requesting the applicant to check a box or click a button indicating the

applicant's intention to be legally bound (Lencki et al.; paragraphs [0163] [0165] [0168] [0180] [0206]).

[D] As per claim 18, Marchosky teaches a method further comprising: associating a unique electronic key with the secure digital file; and storing the unique electronic key in a look-up table (Marchosky; paragraph [0056]).

[i] Regarding claims 5-6 and 18, the obviousness and motivation to combine as discussed with regard to claims 1 and 4 above are applicable to claims 5-6 and 18, and are herein incorporated by reference.

[E] As per claim 30, Marchosky teaches an apparatus further comprising an electronic signature module to provide the applicant a form of electronic signature to authenticate the applicant's intention to enter into a health insurance contract (Marchosky; paragraph [0053]).

[F] As per claim 31, Marchosky teaches an apparatus wherein the electronic signature module requests the applicant to type a name into the electronic signature twice (Marchosky; paragraphs [0052] [0054]), requests the applicant to electronically date the signature (Marchosky; paragraphs [0052] [0054]).

[i] While Marchosky teaches the use of an electronic signature for the purpose of a "legal validation of the preceding text" (Marchosky; paragraph [0053]) and Marchosky further

stipulates that the electronic signature capability is employed to improve data security and for legal purposes (Marchosky; paragraph [0053]), Marchosky fails to teach the applicant checking a box or entering into a legally binding agreement.

[ii] However, Lencki et al. requires applicants to confirm enrollment information (Lencki et al.; paragraph [0168]) acknowledge legal waivers of specific coverage (Lencki et al.; paragraph [0180]) confirm choices in benefit coverage (Lencki et al.; paragraphs [0108] [0165]) and delivers full legal and regulatory documentation to the user (Lencki et al.; paragraph [0206]). The examiner views the above noted features/requirements of Lencki et al. to be encompassing of the applicant's requesting the applicant to check a box or click a button indicating the applicant's intention to be legally bound (Lencki et al.; paragraphs [0163] [0165] [0168] [0180] [0206]).

[G] As per claim 42, Marchosky teaches an apparatus wherein the application data processor is to associate a unique electronic key with the secure digital file and to store the unique electronic key in a look-up table (Marchosky; paragraph [0056]).

[i] Regarding claims 30-31 and 42, the obviousness and motivation to combine as discussed with regard to claims 28 and 4 above are applicable to claims 30-31 and 42 and are herein incorporated by reference.

[5] Claims 8 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lencki et al. and Wolff et al. as applied to claims 1 and 28 above, and further in view of Peach (United States Patent Application Publication #2001/0049611).

[A] Regarding claims 8 and 33, neither Lencki et al. nor Wollf et al. specifically teach different plans or adapting the interface to differentiate individual applicants, group applicants, and commercial applicants.

[B] As per claim 8., Peach teaches a method wherein the medical plan selected by the applicant varies for individual applicants, private group applicants, and commercial group applicants (Peach; paragraph [0019]).

[C] As per claim 33, Peach teaches an apparatus wherein the medical plan selected by the applicant varies for individual applicants, private group applicants, and commercial group applicants (Peach; paragraph [0019]).

[i] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Lencki et al. and Wolff et al., as applied to claims 1 and 28, with those of Peach. Such combination would have resulted in a system and method that expanded on the previously discussed features of Lencki and Wolff by additionally providing the user with the versatility to provide the information necessary to obtain a quote one an insurance policy for any insurable entity including an individual person, a corporation or other business

entity, an association of any other like group (Peach; paragraph [0019]). The motivation to combine the teachings would have been to provide for single data entry and sharing of insurance policy application and contract data, wherein new technologies are used to configure and update the process, improving dependability and timeliness, while decreasing cost (Peach; paragraph [0008]).

Conclusion

[6] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rigole, SYSTEMS AND METHODS FOR ONLINE SELECTION OF SERVICE PROVIDERS AND MANAGEMENT OF SERVICE ACCOUNTS, United States Patent Application Publication #2001/0049632

Johnson et al., SYSTEM AND METHOD FOR PROVIDING CONFIGURATION AND SALES INFORMATION TO ASSIST IN THE DEVELOPMENT OF INSURANCE PLANS, United States Patent Application Publication #2002/0010598

Steuart et al., SYSTEM AND METHOD FOR PROVIDING CUSTOMIZED SALES-RELATED DATA OVER A NETWORK, United States Patent Application Publication #2002/0116229

Lerner et al., SYSTEM AND METHOD FOR ENABLING REAL TIME UNDERWRITING OF INSURANCE POLICIES, United States Patent Application Publication #2002/0087364

Judge, METHOD AND APPARATUS FOR DELIVERING PHARMACEUTICAL PRESCRIPTION COPAY COUNSELOR OVER AN INTERNET PROTOCOL NETWORK, United States Patent Application Publication #2002/0111832

Spears, SYSTEM AND METHOD FOR PROVIDING ONLINE MANAGEMENT OF MEDICAL SAVINGS ACCOUNTS AND BENEFITS, United States Patent Application Publication #2002/0128879.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Rines whose telephone number is 571-272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

R.D.R

8/5/06

C. LUKE GILLIGAN
PATENT EXAMINER